

Federal Defenders  
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Southern District  
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June 25, 2025

**BY ECF**

Hon. Jeannette A. Vargas  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

**MEMO ENDORSED**

**Re: United States v. Kelvin Toribio  
25 Cr. 126 (JAV)**

Dear Judge Vargas:

I write, with the government's consent, to respectfully request a two-month extension of the motions deadlines and a corresponding adjournment of the trial date in the above-captioned case.

Clay Kaminsky, the Assistant Federal Defender originally appointed to represent Mr. Toribio, left our office this week; Mr. Toribio's case was just reassigned to me. It is my understanding that the current Rule 12 motions schedule is: defense motions due July 28; government response due August 11; defense reply due August 18. Trial is currently scheduled for December 8, 2025.

Having just been assigned this case, I cannot provide Mr. Toribio with the effective assistance of counsel on this timeframe. Before filing motions, I must consult with Mr. Toribio and review discovery, which includes not-yet-produced cell phone extractions seized pursuant to a search warrant. In addition, I am set to begin trial before Judge Rakoff on July 21. For these reasons, I respectfully request a two-month extension of the motions deadlines and corresponding adjournment of trial in this matter.

The government also requests, with the consent of defense counsel, that the Court exclude time through the trial date under the Speedy Trial Act to allow the defense time to review discovery and file motions, and for the parties to discuss a potential pretrial resolution of this case. *See* 18 U.S.C. § 3161(h)(7)(A).

Thank you for your consideration of this matter.

Respectfully submitted,

/s/

Marne L. Lenox, Esq.

*Counsel for Kelvin Toribio*

cc: Justin Horton, Assistant U.S. Attorney

Defense counsel's request for a two-month extension of the motions deadlines and a corresponding adjournment of the trial date is GRANTED. Defense motions are due September 29, 2025. The Government's response is due October 14, 2025. Defendant's reply is due October 21, 2025. Trial shall begin on February 9, 2026 at 9:30am. Time is excluded under the Speedy Trial act until February 9, 2026. The Clerk of Court is respectfully directed to terminate ECF No. 15.

SO ORDERED.

Dated: June 26, 2025

  
JEANNETTE A. VARGAS  
United States District Judge